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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,242

09/15/2003

Marc A. Finot

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2871

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7590

02/07/2006

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EXAMINER

ULLAH, AKM E

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,242	FINOT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Akm Enayet Ullah	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 7-12, 26-28 and 32-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-25 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/15/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Detailed Action***

Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Status of the Application***

Claims 1- 34 are pending in this application.

A two-way restriction was made in this application. Applicant elected group I, claims 1-6, 13-25 and 29-31 elected with traverse for the examination purpose. Thus, claims 7-12, 26-28 and 32-34 have been withdrawn from consideration.

If applicant is aware of any prior art or any other co- pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.56 to disclose the same.

***Information Disclosure Statement***

The prior art document submitted by the applicant in the Information Disclosure Statement filed on September 15, 2003 have been considered and made of record (note see the attached copy of form PTO-1449).

### ***Specification***

The use of the trademark KOVAR has been noted in this application. It should capitalize wherever it appears and be accompanied by the generic terminology.

Although the use of the trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

### ***Trademark or Trade Name As A Limitation In The Claim***

Claims 3 and 16 contain the trademark/trade name KOVAR. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe top and bottom portion include metal alloy and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Claims 1-6,13-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake et al (US Pub. No. 2003/0223709 A1) or Steinberg et al (US Pub. No. 2003/0081914).***

***Both (Lake et al and Steinberg et al) disclose a ringframe module package for hermetically enclosing an optical fiber end aligned with an optical component comprising:***

***--- an bottom portion***

--- *a top portion to mate over said bottom portion at a seam to form a package*

--- *a fiber feed through*

--- *an optical fiber having a first portion inside of the package and a second portion outside of the package extending through the feed through,*

--- *a laser weld joint at seam, and*

---- *a glass solder inside of feed through coaxial with fiber.*

Both references explicitly fails to mention a reflowed glass solder inside of feed through coaxial with fiber

Lake et al is the evidence that ordinary skill in the art would find a reason, suggestion or motivation to have the hermetic sealing package as claimed in the sealing optical and electro-optical package.

One of ordinary skill in the art would have found it obvious to use a reflowed glass solder inside of feed through coaxial with fiber in the hermetic sealing package by Lake et al with any desired sealing package, since paragraph (0029) of Lake et al stated that one could utilize a low melting, i.e., low softening point sealing glass material to hermetically seal the edge of cover to ringframe .

Thus, any one of the above mentioned reference would function equally well regardless of specific function of the hermetic sealing package. It is also

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**noted that applicant has not described this directional coupling as being critical or as yielding unexpected benefits. Certainly a person of ordinary skill in the art would find it beneficial to reduce the dependence of couplers on polarization changes.**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Verdiell (USP NO. 6,207,950), Shinde et al (USP NO. 2004/0114884 A1), Kocian et al (USP NO. 5,550,398) are also cited to show atypical hermetic sealing package respectively.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiners can normally be reached on Monday through Wednesday from 5:30 am to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on Monday through Friday whose telephone number is 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Akm Enayet Ullah  
Primary Examiner  
Art Unit 2874

*Aullah*

*February 01, 2006*